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2005 OCT 26 PM 3:58

October 26, 2005 KET ROOM

Ron Jones, Chairman
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243

Re: ***Complaint of NuVox Against Frontier Communications for Blocking
Calls and Request for Immediate Interim Relief***
Docket number: 05-00299

Dear Chairman Jones:

Enclosed is a complaint and request for immediate, interim relief filed on behalf of NuVox Communications against Frontier Communications for blocking local calls.

As explained in the complaint, NuVox and Frontier both serve customers in Knox County but Frontier refuses to complete local calls made by customers of Frontier to customers of NuVox unless NuVox agrees to Frontier's terms for a traffic exchange agreement. Some of those terms are illegal and directly contrary to prior decisions of the TRA.

Blocking these calls is causing irreparable harm to NuVox and its customers. For example, some of Frontier's residential customers work for a company that is a NuVox subscriber. Those employees are unable to call their office from home.

This situation requires immediate intervention by the TRA to order Frontier to complete these calls pending a final ruling on this complaint. Therefore NuVox asks that the TRA panel assigned to this matter convene as soon as practical to consider NuVox's request for interim relief.

Very truly yours,

BOULT, CUMMINGS, CONNERS & BERRY, PLC

By:

Henry Walker

HW/djc
Enclosure

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101754-001
10/26/2005

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**BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

October 26, 2005

Re: Complaint of NuVox Against Frontier)
Communications for Blocking Calls and) Docket No. _____
Request for Immediate Interim Relief)

**COMPLAINT OF NUVOX AGAINST FRONTIER COMMUNICATIONS FOR
BLOCKING CALLS AND REQUEST FOR IMMEDIATE INTERIM RELIEF**

1. NuVox Communications, Inc. ("NuVox") files this complaint against Citizens Telecommunications Company of the Volunteer State, LLC d/b/a Frontier Communications of the Volunteer State ("Frontier") for blocking local calls made by customers of Frontier to customers of NuVox. Pending the outcome of this complaint, NuVox requests that the Tennessee Regulatory Authority ("TRA") order Frontier to cease blocking those calls.

Parties

2. NuVox is a competitive local exchange carrier authorized by the TRA to provide local and long distance telephone service in Tennessee. See TRA Docket 99-00806, order issued February 22, 2000, and Docket 04-00309, order issued April 13, 2005. For purposes of this complaint, the designed contacts for NuVox are:

Contact:

Henry Walker
Boult Cummings Conners Berry, PLC
1600 Division Street, Suite 700
P.O. Box 340025
Nashville, TN 37203

Contact:

Susan Berlin
NuVox Communications, Inc.
Two North Main Street
Greenville, SC 29601

3. Frontier is an incumbent, local exchange telephone company regulated by the Tennessee Regulatory Authority. The usual address of Frontier for service of process is 300 Bland Street,

Bluefield, West Virginia, 24701. Copies of this complaint are also being served on Guilford Thornton and Richard Tettelbaum, attorneys for Frontier.

Jurisdiction

4. The Tennessee Regulatory Authority has jurisdiction over this complaint pursuant to T.C.A. §65-4-104, §65-4-114, §65-4-115, and §65-4-117.

Facts

5. NuVox provides local telephone service to customers located in Knox County, Tennessee. One such customer is Southern Solutions (telephone number: 865-392-5047).

6. Frontier provides local telephone service to customers located in Powell, Tennessee, which is also in Knox County. Calls which originate and terminate within Knox County are classified as local calls. See T.C.A. §65-21-114.

7. At this time, Frontier customers in the Powell exchange (865-938-XXXX) are unable to call, either by dialing seven or 1+ten digits, customers of NuVox located in Knox County. Some of these Frontier customers are employees of Southern Solutions and are unable to place calls from their homes to their office.

8. Upon information and belief, NuVox believes that Frontier is intentionally blocking these calls because NuVox and Frontier do not have a traffic exchange agreement.¹ NuVox and Frontier are currently negotiating such an agreement.

9. In Knox County, NuVox operates in the service areas of BellSouth and TDS but not Frontier. Therefore, there is no direct connection between NuVox and Frontier. During the

¹ The company's Tennessee tariff states, at Section 2.1 that Frontier "will not originate calls" to customers of another telephone company located in the local calling area of Frontier "until an interconnection agreement or traffic interchange agreement with Frontier has been fully executed and proper facilities are in place"

parties' negotiations, Frontier contends that, even if the two carriers connect indirectly through a third party carrier, NuVox must agree to a virtual "point of interconnection" located on Frontier's network and that NuVox must pay all transport and termination charges, including transit charges imposed by the third party carrier, to complete a local call made by a customer of Frontier to a customer of NuVox. Frontier's position is contrary to federal law (see 47 C.F.R. 51.703(b)) and to the Authority's decisions in Docket 03-00585 (the ICO-CMRS arbitration docket) which addressed these same issues.² Nevertheless, Frontier refuses to modify its position and is unlawfully blocking calls made to customers of NuVox in order to compel NuVox to agree to Frontier's terms.

Requested Relief

10. Frontier's practice of blocking local calls made by customers of Frontier to customers of NuVox in order to compel NuVox to agree to unreasonable and illegal interconnection terms is unjust, unreasonable, and discriminatory in violation of T.C.A. §65-4-115.

11. Frontier's decision to block local calls made by customers of Frontier to customers of NuVox violates Section 251(a)(1) of the federal Telecommunications Act. 47 U.S.C. §251(a)1.

12. NuVox therefore asks that the TRA find that Frontier's tactic of blocking these calls is illegal and that Frontier be ordered to cease this practice immediately.

13. Blocking these calls made by customers of Frontier to customers of NuVox is causing irreparable harm to NuVox and its customers. For example, some employees of Southern

² In Docket 03-00585, the Authority held, *inter alia*, that (1) the reciprocal compensation requirements of 47 U.S.C. §251(b)(5) apply when traffic is exchanged indirectly through a third party transit carrier (Joint Issue No. 2), (2) the originating carrier is responsible for compensating the terminating carrier for traffic that is indirectly exchanged (Joint Issue No. 3); (3) in an indirect connection, the originating carrier is obligated to pay transit costs (Joint Issue No. 5); and (4) in an indirect connection, the point of interconnection is the tandem switch of the transit carrier (Joint Issue No. 5). The Authority's decision on these issues was announced on January 12, 2005, and is reflected in the transcript of that deliberative session. A written order is pending.


Solutions are unable to call their employer from home. Therefore, NuVox requests that the Authority order Frontier to discontinue this practice pending a final decision on this complaint.

14. NuVox requests such other relief as the Authority finds appropriate.

Respectfully submitted,

BOULT, CUMMINGS, CONNERS & BERRY, PLC

By: _____


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CERTIFICATE OF SERVICE

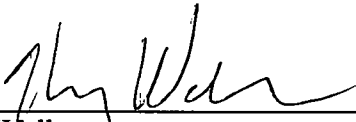
I hereby certify that a copy of the foregoing is being forwarded via U.S. mail, to:

Citizens Telecommunications Company of the Volunteer
State, LLC
P.O. Box 770
300 Bland Street
Bluefield, WV 24701

Guilford F. Thornton
Stokes Bartholomew Evans & Petree, P.A.
424 Church Street, Suite 2800
Nashville, TN 37219

Richard Tettelbaum, Associate General Counsel
Citizen Communications
1400 16th Street N.W.
Washington, DC 20036

on this the 26th day of October 2005.



Henry Walker